

REMARKS

STATUS OF CLAIMS

Claims 1-24 and 26-35 are all of the claims currently pending in this application after entry of the foregoing amendments. Claims 3-15, 17-20, 24 and 26-31 are allowed. Claims 1, 2, 16 and 21-23 are rejected. Claim 25 was cancelled via the Amendment filed April 28, 2003. New claims 32-35 are added via this Amendment.

35 U.S.C. §103

Claims 1, 2 16 and 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe et al. (U.S. Patent No. 6,172,814 [hereinafter “Watanabe”]) in view of Valliath et al. (U.S. Patent No. 5,629,785 [hereinafter “Valliath ”]).

The Examiner acknowledges that Watanabe fails to disclose the recited portions of the passing areas and the portion of the low passing area that are disposed past the spheres in a passing direction of the light. (See the first full paragraph of page 3.) This feature is found in the last three lines of claim 1. Similar features are found in the last three lines of independent claims 16 and 21. In an effort to make up for the deficient teachings of Watanabe, the Examiner turns to the diffuser plate 14 of Valliath, and submits that it discloses passing areas and a low passing area that are situated in the same plane and are disposed past the spheres in the passing direction of the light.

Applicants respectfully submit that, in Valliath, the “light-absorbing matrix 32” is disposed between glass microspheres 30 and transparent polymeric layer 35 so that the light transmitted through the glass microspheres 30 is attenuated by the “light-absorbing matrix 32.” In Watanabe, on the other hand, the colored layer 13 has a portion to reduce a light amount absorbed by the colored layer 13 so that the light transmitted through the transparent ball 12 is not attenuated.

Therefore, there would have been no motivation to combine Valliath who requires that the “light-absorbing matrix 32” be disposed between the glass microspheres 30 and the transparent polymeric layer 35, and Watanabe who requires to have, in the vicinity of the transparent ball 12, a portion to intentionally reduce a light amount absorbed by the colored layer 13.

Applicants further define the passing areas and low-passing area of the present invention. For example, in a non-limiting, exemplary embodiment, the specification describes the low-passing area as a black mask, and the passing areas as being colorless. Claims 1, 16 and 21 are hereby amended to recite that the low-passing area is darker than the passing areas.

Applicants respectfully submit that, in order to establish a *prima facie* case of obviousness, the combined references must teach or suggest each feature recited in the claims. Watanabe and Valliath would not have taught or suggested the features of amended claims 1, 16 and 21. In particular, these references do not teach the recited low-passing area that is darker than the recited passing areas. Instead, this material that allegedly forms the passing areas and low-passing area is not darker in certain areas, but is instead thicker in certain areas so as to effect the amount of light that passes.

Accordingly, Applicants respectfully submit that the combination of references would have failed to teach or suggest each feature recited in amended claims 1, 16 and 21 and, therefore, the rejection of these claims under 35 U.S.C. §103 should be withdrawn. Also, the rejection of dependent claims 2, 22 and 23 should be withdrawn at least by virtue of these claims respectively depending from independent claims 1 and 21.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In Item 5, paragraph (c) of the Office Action dated August 13, 2003, it states at its end that "...as recited in claims 5, 19 and 20," but this should actually read "...as recited in claims 5 and 19." Paragraph (d) also recites "...as recited in claim 6," but should read "...as recited in claims 6 and 20." That is, the reason for allowance of claim 20 should be paragraph (d), rather than (c). This is because, in claim 20, the contacting material includes the light absorbing material, but does not necessarily include the light-sensitive material having a portion which forms no color, the contacting material and the light-sensitive material are both included in the diffusing layer, and the light-sensitive material is provided between the contacting material and the light transmitting support.

NEW CLAIMS

New claims 32-35 are added to obtain more varied protection for the present invention. These claims are submitted to be patentable over the applied art. As a non-limiting example, with respect to new claim 34, the light transmitting spheres are disposed on or in contact with the light transmitting support, thus forming the passing areas, and other portions forming the low-passing area so that the light transmitted through the light transmitting spheres is not attenuated,

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nor flares or the like are caused, since the ambient light is effectively absorbed in the low-passing area other than the passing areas. This is an effect that neither Watanabe nor Valliath would have achieved.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

An Excess Claim Fee Payment Letter with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

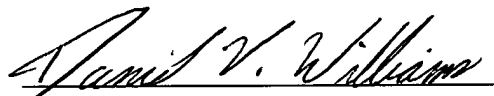
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